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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,825	08/14/2000	Housh Khoshbin	3861 P 002	9537

7590 02/17/2004

James P Muraff  
Wallenstein & Wagner Ltd  
311 South Wacker Drive  
53rd Floor  
Chicago, IL 60606

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

8

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/638,825

Applicant(s)

KHOSHBIN ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This action is responsive to communication filed December 1, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the amended claims 1, 6, 7,13, 16, 17, 18, 19, 20, 23,28, 29,30, 31, 34, 38, and the addition of claim 41. The examiner also acknowledged the amended abstract and the specification.

#### ***Response to Arguments***

Regarding applicant's argument concerning sending the LCD driver a signal comprising full business information and a signal comprising an identification of the source of the communication, Hymel et al. teaches assigning an icon to a message indicator of any characteristic (col. 3 lines 45-51). Hymel et al. further teaches the icon is a graphical depiction of an advertiser symbolism (col. 3 lines 18-22) and therefore provide recognition to the user of the source of the advertisement message. The icon therefore provides complete information of the business or company represented by the icon.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 and 4-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-2 and 4-41, the examiner is unable to determine from the disclosure what constitutes a full business indicia.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8, 9-12, 13-23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Miyashita U.S Patent 6433670.

Regarding claims 1 and 16, Hymel et al. teaches a wireless device (col. 2 lines 38-40) having an identity, for notifying a user of a source of a page directed specifically to the identity of the wireless device (col. 3 lines 30-39), comprising: a housing (inherent to the wireless device); a liquid crystal display (LCD) attached to the housing (col. 3 lines 12-15); the microprocessor (36) formed the controller connected to the AD Manager which is the functional equivalent to the LCD driver. The controller further send a signal comprising the advertising indicia in memory to be displayed (col. 3 lines 7 -12 and col. 3 lines 45-47). The identification information is further provided by the display advertisement (col. 3 lines 18-22). The use of the controller to drive a signal to the LCD driver comprising the information to be displayed on a LCD display is further evidenced by Miyashita (col. 3 lines 24-26).

It would have been obvious to one of ordinary skill in the art to use a controller to drive a signal comprising the advertisement indicia and a signal comprising an identification of the source in Hymel et al. as evidenced by Miyashita because Hymel suggests a controller sending a signal to the AD manager which is the functional equivalent to the LCD driver and Miyashita

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teaches a controller sending a signal to the LCD driver comprising the information to be displayed on a LCD display is further evidenced by Miyashita.

Regarding claim 2, Hymel et al. teaches the wireless device advertising indicia is a directed message (col. 3 lines 18-20).

Regarding claims 4-5, Hymel et al. teaches the wireless receiver received radio frequency signal (col. 2 lines 46-47) but is not explicit in teaching the frequency of the wireless device is use for its identity. One skilled in the art recognizes that communication with the wireless device is carried out at a particular frequency or over a given frequency range and the wireless receiver is therefore identify by it frequency of operation.

It would have been obvious to one of ordinary skill in the art for the frequency or frequency range to be used as the identity of the wireless device in Hymel et al. because Hymel et al. suggests the wireless device having an identity and one skilled in the art recognizes that communication with the wireless device is carried out at a particular frequency or over a given frequency range and the wireless receiver is therefore identify by it frequency of operation.

Regarding claim 6, Hymel et al. teaches a pager displaying a phone number (col. 1 lines 17-20) but is not explicit in teaching the source of the page is the number to call. One skilled in the art recognizes that the phone number displayed on a pager when a page is received represent the call back number and the source of the page.

It would have been obvious to one of ordinary skill in the art for the source of the page to be the number to call in Hymel et al. because Hymel et al. suggests a pager displaying a phone number and one skilled in the art recognizes that the phone number displayed on a pager when a page is received represent the call back number and the source of the page.

Regarding claim 8, Hymel et al. teaches the receiver is continuously attempting to detect the page signal directed at the wireless device (col. 4 lines 14-15).

Regarding claim 9, Hymel et al. teaches the wireless device is a pager (col. 2 line 22).

Regarding claim 12, Hymel et al. is not explicit in teaching a power source for powering the controller and the LCD. One skilled in the art recognizes that the controller and the LCD require a power supply for its operation.

It is therefore obvious to one of ordinary skill in the art to have a power source for powering the controller and the LCD because the controller and the LCD requires a power supply for its operation.

Regarding claim 13, Hymel et al. teaches the PROM is an electrically erasable PROM (EEPROM) and wherein the preprogrammed advertising indicia therein can be changed (col. 3 lines 23-29).

Regarding claim 14, Hymel et al. teaches the controller receives the page signal received (col. 3 lines 45-46) by the receiver wherein the controller sends to the LCD driver a signal comprising the advertising indicia in the PROM for causing the LCD to display the advertising indicia (col. 4 lines 24-30) but is silent on teaching the controller sends the LCD driver the indicia within five seconds. One skilled in the art recognizes that the time taken to send the indicia to the LCD depends on the speed of operation of the micro-controller.

It would have been obvious to one of ordinary skill in the art for the controller to send the LCD driver the indicia within five seconds because Hymel et al. suggests a wireless device having a LCD driver with a micro-controller and one skilled in the art recognizes that recognizes

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that the time taken to send the indicia to the LCD depends on the speed of operation of the micro-controller.

Regarding claim 15, Hymel et al. teaches the use of a Motorola controller (col. 3 line 40) or other processors (col. 2 lines 58-60) but is silent on teaching the controller is an MCU Hitachi 3827.

It would have been obvious to one of ordinary skill in the art to use a MCU Hitachi 3827 as the controller in Hymel et al. because Hymel et al. suggests a the use of a micro-controller in the wireless device and MCU Hitachi 3827 is a controller.

Regarding claim 17, Hymel et al. teaches the controller waits to send the signal comprising the advertising indicia to the driver until the user selects to view the source of the page (col. 3 lines 9-11)..

Regarding claims 18 and 19, Hymel et al. teaches a memory device (38) for a wireless device, the wireless device having an identity col. 2 lines 27-33), the wireless device notifying a user of a source (shown by advertisement icon) of a page directed specifically to the identity of the wireless device (col. 3 lines 45-46), and the wireless device comprising a housing (inherently to the wireless device); a display attached to the housing (col. 3 lines 12-15); the AD manager which is the functional equivalent to the driver connected to the display (figure 2), for causing indicia to appear on the display; a controller connected to the driver for sending to the display a signal comprising indicia to appear on the display (col. 3 lines 45-47); and a receiver (34) connected to the controller (36), the receiver receiving a page signal directed specifically at the identity of the wireless device and for communicating the page signal to the controller (figure 2, col. 2 lines 42-49), the memory device comprising: a storage location preprogrammed with

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advertising indicia. The use of a controller to drive a signal to the LCD driver comprising the information to be displayed on a LCD display is further evidenced by Miyashita (col. 3 lines 24-26).

It would have been obvious to one of ordinary skill in the art to use a controller to drive a signal comprising the advertisement indicia and a signal comprising an identification of the source in Hymel et al. as evidenced by Miyashita because Hymel suggests a controller sending a signal to the AD manager which is the functional equivalent to the LCD driver and Miyashita teaches a controller sending a signal to the LCD driver comprising the information to be displayed on a LCD display is further evidenced by Miyashita.

Regarding claim 21 and 22, Hymel et al. teaches the storing of advertisement icon in memory (col. 3 line 30). The storing of the advertisement indicia in memory is independent of location. It is therefore obvious for the storing step to take place at a manufacturing facility or at a distributor of the wireless device.

It would have been obvious to one of ordinary skill in the art for the storing step to take place at a manufacturing facility or at a distributor of the wireless device because Hymel et al. suggests storing the advertisement indicia in memory and the storing of the advertisement indicia is independent of location.

Regarding claims 23 and 33, Hymel et al. teaches the step of storing the advertisement indicia involve programming the memory wirelessly or any other equivalent manner (col. 3 lines 25-29) but is silent on teaching using a personal computer to download the advertisement indicia



to the memory of the wireless device. One skilled in the art recognizes that computers are widely used in the programming of memories.

It would have been obvious to one of ordinary skill in the art to use a personal computer to download the advertisement indicia to the memory of the wireless device in Hymel et al. because suggests the step of storing the advertisement indicia involve programming the memory wirelessly or any other equivalent manner and one skilled in the art recognizes that computers are widely used in the programming of memories.

Regarding claims 24-27 and 32, Hymel et al. in view of Miyashita is silent on teaching whether the users of the wireless device is billed or not. One skilled in the art recognizes that the choice of charging the users of the wireless device for the paging service rendered is a matter of choice by the designer or the service provider.

It would have been obvious to one of ordinary skill in the art to allow the users of the wireless device to pay or not pay for the use of the wireless device in Hymel et al. in view of Amma because Hymel in view of Miyashita teaches a wireless device receiving messages from a service provider and one skilled in the art recognizes that the choice of charging the users of the wireless device for the paging service rendered is a matter of choice by the designer or the service provider.

Regarding claim 28, Hymel teaches storing a plurality of different advertising indicia in memory (figure 2) and displaying the advertising indicia for the different messages received (col. 3 lines 16-20).

Regarding claims 29-31, Hymel et al teaches the message includes a time duration and the advertisement indicia is assigned to the message indicator based on the time duration (col. 4

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lines 1-3) but is silent on teaching the first and second advertising indicia alternate being displayed on the display, the first advertisement indicia to appear on the display a particular percentage of time, the first advertisement indicia to appear on the display more than the second advertisement indicia. The variation in displaying the advertisement indicia outlined in claims 29-31 are all based on time duration as taught by Hymel et al.

It would have been obvious to one of ordinary skill in the art for the first and second advertising indicia alternate being displayed on the display, the first advertisement indicia to appear on the display a particular percentage of time, the first advertisement indicia to appear on the display more than the second advertisement indicia in Hymel et al. because Hymel et al. suggests the message includes a time duration and the advertisement indicia is assigned to the message indicator based on the time duration and the variation in displaying the advertisement indicia outlined in claims 29-31 are all based on time duration as taught by Hymel et al.

Regarding claims 39 and 40, Hymel et al. teaches the wireless device is a pager (col. 2 lines 22-23), therefore the communication notifier is a page.

Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Miyashita U.S Patent 6433670 and further in view of Amma U.S Patent 6400256.

Regarding claims 7 and 20, Hymel et al. in view of Miyashita teaches a page comprising a text message (col. 1 lines 17-20, U.S Patent 6433670) and a identifying identifying icon (col. 3 lines 45-47 but is silent on teaching the source of the page comprises a name of a person. Amma in an art related Communication Apparatus Capable of Displaying Simultaneously the Latest

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Messages Received From a Caller invention teaches the source of the page comprises a name of a person name (figure 4A).

It would have been obvious to one of ordinary skill in the art for source of the page to comprise a name of a person in Hymel et al. because Hymel et al. in view of Miyashita suggests displaying identification information of the call source and Amma teaches the source of the page comprises a name of a person name in order to provide information concerning the caller.

Regarding claim 20, Hymel et al. in view of Miyashita teaches the advertisement indicia appeared on the display followed by the advertisement message (col. 5 lines 4-7) but is silent on teaching the source of the page is displayed. One skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma (figures 4A-4C).

It would have been obvious to one of ordinary skill in the art to display the source of the call to the wireless device in Hymel et al. in view of Miyashita as evidenced by Amma because Hymel et al. suggests displaying the received message and one skilled in the art recognizes that is conventional practice to display the source of a call to a wireless device as evidenced by Amma.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Miyashita U.S Patent 6433670 and further in view of Abdul-Halim U.S Patent 5604492.

Regarding 10, Hymel et al. in view of Miyashita et al. teaches the use of wireless device (figure 1 , U.S Patent 6157814 ) but is silent on teaching the wireless device is a personal digital

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assistant. Abdul-Halim in an art related invention in the same field of endeavor of wireless device teaches personal digital assistant as a wireless device (col. 4 lines 51-54).

It would have been obvious to one of ordinary skill in the art to use a personal digital assistant as the wireless device in Hymel et al. as evidenced by Abdul-Halim because Hymel et al. suggests a wireless device with a paging function and Abdul-Halim teaches a personal digital assistant with a paging function that communicate wirelessly.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S. Patent 6157814 in view of Miyashita U.S. Patent 6433670 and further in view of Gaulke et al. U.S. Patent 5737707.

Regarding claim 11, Hymel et al. in view of Miyashita et al. teaches the use of wireless device (figure 1 , U.S. Patent 6157814 ) but is silent on teaching the wireless device is a cell phone. Gaulke et al. Pager-Controlled Wireless Radiotelephone invention teaches a cell phone and a pager integrated into a single unit (col. 2 lines 66-67).

It would have been obvious to one of ordinary skill in the art to use as a cell phone as a wireless device to receive messages in Hymel et al. in view of Miyashita as evidenced by Gaulke et al. because Hymel et al. in view of Miyashita suggests a pager receiving messages and Gaulke et al. teaches a pager and a cell phone integrated into one unit which provide for convenient operation.

Claim 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel et al. U.S Patent 6157814 in view of Miyashita U.S Patent 6433670 and further in view of Hymel et al. U.S Patent 6031467.

Regarding claims 34 and 38 Hymel et al. (U.S Patent 6157814) in view of Miyashita teaches displaying the advertisement message includes displaying the advertisement indicia (col. 3 lines 45-52) but is silent on teaching the programming of the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches displaying the personal message followed by the advertisement message (col. 3 lines 49-59). The order of displaying the advertisement indicia and the personal message is a programmable feature, therefore it is obvious to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display.

It would have been obvious to one of ordinary skill in the art to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display in Hymel et al (U.S Patent 6157814) in view of Miyashita because Hymel et al. (U.S Patent 6157814) suggests displaying the advertisement message includes displaying the advertisement indicia and Hymel et al. (U.S Patent 6031467) teaches displaying the personal message followed by the advertisement message (col. 3 lines 49-59). The order of displaying the advertisement indicia and the personal message is a programmable feature

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therefore it is obvious to program the wireless device to display the advertisement indicia for a first time length before the source of the page is displayed on the display.

Regarding claim 35, Hymel et al. (U.S Patent 6157814) in view of Miyashita teaches the advertisement indicia and the message has a time duration (col. 4 lines 1-3) but is silent on teaching the first length of time begins after the alarm is complete. Hymel et al. (U.S Patent 6031467) in an art related Method In A Selective Call Radio For Ensuring Reception of Advertisement Message invention teaches the user is warned that the corresponding advertisement message must be received in a predetermined time (col. 3 line 66-col. 4 line 1) and once the user is warned the timer is activated for the first length of time (col. 4 lines 9-12). The first length of time is a programmable feature (col. 4 lines 20-22).

It would have been obvious to one of ordinary skill in the art for the first length of time to begin after the alarm is complete in Hymel et al. (U.S Patent 6157814) as evidenced by Hymel et al. (U.S Patent 6031467) because Hymel et al. (U.S Patent 6157814) suggests the advertisement indicia and the message has a time duration and Hymel et al. (U.S Patent 6031467) teaches the first length of time begins after the alarm is complete in order to give the user a predetermined time in which to display the advertisement message.

Regarding claims 36-37, Hymel et al. (U.S Patent 6157814) teaches the alarm is a vibration of a vibrator or an audible alarm (col. 3 lines 3-5).

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*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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Vernal Brown

February 11, 2004

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

